

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor. /

Hon. Steven W. Rhodes

**APPLICATION OF HOWARD & HOWARD ATTORNEYS PLLC FOR
ALLOWANCE AND PAYMENT OF ITS ADMINISTRATIVE EXPENSE CLAIM**

Now comes Howard & Howard Attorneys PLLC ("Howard & Howard") and for this application for allowance and payment of its administrative expense claim in the amount of \$10,777.96 states:

1. Pre-petition, Howard & Howard represented the City of Detroit in various matters, including: (i) Walter Swift v. Officer Janice Paavola *et al* (the "Swift Matter") and (ii) a matter involving Cristobal Mendoza and Annica Cuppertelli (the "Mendoza Matter" and, together with the Swift Matter, the "Matters").
2. On February 18, 2014 Howard & Howard timely filed a proof of claim for the \$90,028.30 that it was owed in respect of the Matters as of the petition date.
3. On November 12, 2014 this Court entered its order (the "Confirmation Order") confirming the Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (the "Plan"). The Notice of the Entry of the Confirmation Order states that requests for payment of Administrative Claims must be filed by January 26, 2015.
4. Howard & Howard timely files this request for allowance and payment of its administrative expense claim in the amount of \$10,777.96 owing in respect of its post-petition services

rendered to the City on the Matters. The foregoing \$10,777.96 is in addition to the \$90,028.30 that Howard & Howard was owed as of the petition date in respect of pre-petition services on the Matters.

5. The post-petition work that Howard & Howard performed on the Matters was performed with the knowledge and permission of the legal department of the City of Detroit.

6. Of the \$10,777.96 in administrative expenses owing to Howard & Howard, \$9227.16 is attributable to the Swift Matter in which Howard & Howard represented a former employee, namely a police officer. Consequently, the issues surrounding the impact of the bankruptcy stay were complex and required research. Because the police officer had moved to Las Vegas, Nevada before the City of Detroit filed its Chapter 9 Petition, pre-petition Mr. Peyser had purchased the airline ticket from Detroit to Las Vegas so that he could attend a July 31, 2013 (i.e. post-petition) in-person meeting with the police officer. Shortly after the Petition Date, Mr. Keelan of the City of Detroit Legal Department instructed Mr. Peyser to attend that in-person meeting with the officer. A redacted copy of Howard & Howard's invoices for its post-petition work on the Swift Matter is attached as Exhibit 1.

7. Of the \$10,777.96 in administrative expenses owing to Howard & Howard, \$1550.80 is attributable to the Mendoza Matter, in which Howard & Howard represented the City of Detroit and certain of its police officers. There were issues surrounding the impact of the bankruptcy stay in the Mendoza case and they required research. A redacted copy of Howard & Howard's invoices for its post-petition work on the Mendoza Matter is attached as Exhibit 2.

8. Pursuant to 11 U.S.C. § 503 made applicable to this Chapter 9 case by virtue of 11 U.S.C. § 901(a), the \$10,777.96 in post-petition amounts owing to Howard & Howard constitute the actual, necessary costs and expenses of preserving the estate of the City of Detroit.

9. Howard & Howard reserves the right to supplement and/or amend this request for allowance and payment of its administrative expense claim.

WHEREFORE Howard & Howard Attorneys PLLC requests that this Court enter an Order substantially similar to Exhibit A attached and incorporated which grants the application of Howard & Howard Attorneys PLLC for allowance and payment of its administrative expense claim in the amount of \$10,777.96. Howard & Howard Attorneys PLLC also requests such other and further relief as this Court deems proper.

Dated: January 23, 2015

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

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